

REMARKS

In response to the Office Action of June 5, 2003, Applicants have amended the claims which, when considered with the following remarks, is deemed to place the present application in condition for allowance. Favorable consideration of all pending claims is respectfully requested.

In the Office Action of June 5, 2003, claims 1-3, 7, 11-13 and 15 have been rejected under 35 U.S.C. § 102 (b) as allegedly anticipated by, or in the alternative, under 35 U.S.C. § 103(a), as allegedly obvious over U.S. Patent No. 4,560,656 to Farbood et al. With respect to the anticipation rejection, Farbood et al. has been cited for allegedly teaching the oxidation of castor oil, which, according to the Examiner, is one of the species of substrates recited in the present claims. Under the obviousness rejection, Farbood et al. has been cited for allegedly suggesting use of *Candida tropicalis* in oxidizing a species within the scope of the presently claimed invention.

In response to the rejection, and in order to advance prosecution of this application, claim 1 has been amended to recite: “[a] process for producing a carboxylic acid comprising culturing *Candida sp.* in a fermentation medium containing a substrate of the formula $R(CH_2)_nCH_3$, and effecting ω -oxidation, wherein n is ≥ 1 and R is selected from the group consisting of epoxide, alkoxy, ether, cycloalkyl, aryl, diol and diol ester, whereby at least one terminal methyl group is oxidized to a carboxylic acid corresponding to the substrate.” Claim 12 has been amended to recite: “[a] process for producing a carboxylic acid comprising culturing *Candida sp.* in a fermentation medium and effecting ω -oxidation, wherein the fermentation medium contains a substrate selected from the group consisting of 12-hydroxystearic acid, hexadecyl pelargonate, castor oil, hexadecyl acetate, 1-dodecanol, 1, 2 hexadecanediol, tetradecene, hexadecene,

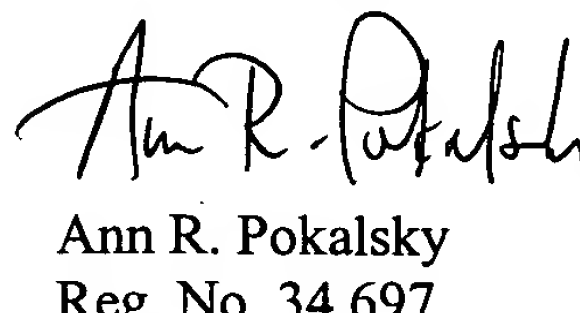
octadecene, trans-2-nonene, 7-trans-tetradecene, 2-heptylundecanoic acid and 2-hexyldecanoic acid whereby at least one terminal methyl group is oxidized to a carboxylic acid corresponding to the substrate.

It is respectfully submitted that Farbood et al. is limited to teaching a method of producing optically active γ -hydroxydecanoic acid which comprises culturing or incubating a microorganism capable of hydrolyzing castor oil and effecting β -oxidation of the resulting hydrolysate, or a microorganism capable of effecting β -oxidation of hydrolysate of castor oil, or a microorganism capable of effecting β -oxidation of an enzymatic hydrolysate of castor oil, in a suitable medium in the presence of the castor oil or castor oil hydrolysate substrate. *See* Farbood et al. column 1.

As presently amended, claims 1 and 12 are directed to a process for producing carboxylic acid comprising culturing *Candida sp.* in a fermentation medium and effecting ω -oxidation in order to produce a carboxylic acid. Applicants respectfully submit that there is no teaching, or suggestion in Farbood et al. for utilizing the ω -oxidation pathway of *Candida sp.* The teaching of Farbood is limited to using the β -oxidation pathway. Moreover, the resultant product of the presently claimed invention – a carboxylic acid, is neither taught nor suggested by Farbood et al. The only product Farbood et al teach as a result of β -oxidation is γ -hydroxydecanoic acid. The presently claimed invention, therefore, is neither anticipated by, nor obvious over Farbood et al. Withdrawal of the rejection of claims 1-3, 7, 11-13 and 15 under 35 U.S.C. § 102(b) and/or 35 U.S.C. § 103(a) is therefore warranted.

In view of the foregoing remarks and amendments, it is firmly believed that the present claims are in conditions for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ann R. Pokalsky". The signature is fluid and cursive, with the first name "Ann" and last name "Pokalsky" clearly distinguishable.

Ann R. Pokalsky
Reg. No. 34,697
Attorney for Applicants

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, NY 11553
(516) 228-8484
ARP/bg